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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,634	07/03/2003	Wayne Chen	TNCR.178US1	4612
36257	7590	07/28/2004	EXAMINER	
PARSONS HSUE & DE RUNTZ LLP 655 MONTGOMERY STREET SUITE 1800 SAN FRANCISCO, CA 94111				STAFIRA, MICHAEL PATRICK
			ART UNIT	PAPER NUMBER
			2877	

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/613,634	CHEN ET AL. <i>Am</i>	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael P. Stafira	2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-49 is/are pending in the application.  
 4a) Of the above claim(s) 1-24 and 41-49 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 25-31 and 37-40 is/are rejected.  
 7) Claim(s) 32-36 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 03 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/3/2004</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

1. In the specification please amend the spec. to include a phrase that this case is a Divisional of 6,590,645 etc....

### *Election/Restrictions*

1. Claims 1-24, 41-49 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group I, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 14, 2004.
2. Applicant's election without traverse of Group II, claims 25-40 in the reply filed on May 14, 2004 is acknowledged.

### *Drawings*

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the method steps of claim 25 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Examiner suggests a block diagram showing the method step of the claimed limitations of claim 25.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes

made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 25-31, 37-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al. ('735).

**Claim 25**

Lee et al. ('735) discloses obtaining information concerning anomalies of the surface (See Abstract); processing the information using a first threshold to provide a first output (Col. 6, lines 21-33)(x-y locations); processing the information using a second threshold different from the first threshold to provide a second output (Col. 6, lines 41-56)(z level); and analyzing the outputs and classifying the anomalies in at least one classification (Col. 6, lines 46-56).

**Claim 26**

Lee et al. ('735) further discloses comparing the two outputs to determine whether the

anomalies are scratches, area anomalies or point anomalies (Col. 8, lines 55-59).

**Claim 27**

The reference of Lee et al. ('735) further discloses the first threshold is higher than the second threshold, wherein one or more anomalies are classified as scratches when they are classified as scratches at the second threshold whether or not they are classified as scratches at the first threshold (Col. 5, lines 54-67).

**Claim 28**

Lee et al. ('735) further discloses displaying only anomalies of sizes that exceed a predetermined threshold (Fig. 1, Ref. 60).

**Claim 29**

The reference of Lee et al. ('735) further discloses comparing size of each anomaly detected to the predetermined threshold (Col. 5, lines 54-60).

**Claim 30**

Lee et al. ('735) further discloses it classifies the anomalies by means of their distribution over the surface (Col. 8, lines 55-59).

**Claim 31**

The reference of Lee et al. ('735) further discloses classifying classifies the anomalies detected into two or more of the following three categories: scratches, areas and point defects (Col. 8, lines 58-59).

**Claim 37**

Lee et al. ('735) discloses displaying the anomalies detected (Fig. 1, Ref. 60).

**Claim 38**

The reference of Lee et al. ('735) further discloses displaying only anomalies of sizes that exceed a predetermined threshold (Fig. 1, Ref. 60).

**Claim 39**

Lee et al. ('735) further discloses comparing size of each anomaly detected to the predetermined threshold (Col. 7, lines 35-41).

**Claim 40**

The reference of Lee et al. ('735) further discloses controlling a sample processing parameter in response to the at least one classification (Col. 1-2, lines 57-21).

***Allowable Subject Matter***

6. Claims 32-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Stafira whose telephone number is 571-272-2430. The examiner can normally be reached on 4/10 Schedule Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2877

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael P. Stafira  
Primary Examiner  
Art Unit 2877

July 21, 2004